

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/811,881

REMARKS

Claims 1-8, 13-23, 28-32 and 35-40 have been examined. Claims 15-23, 28, 29, 39 and 40 have been rejected under 35 U.S.C. § 101, claims 1-7, 15-22, 30-32 and 37-40 have been rejected under 35 U.S.C. § 102(b) and claims 1-6, 8, 13-21, 23, 28-32, 35 and 36 have been rejected under 35 U.S.C. § 102(e).

I. Preliminary Matters

The Examiner has requested the Applicant to correct any errors in the specification. At this time, Applicant is unaware of any errors.

II. Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 15-23, 28, 29, 39 and 40 under 35 U.S.C. § 101. Since claim 15 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot. In regard to claims 16-23, 28, 29, 39 and 40, Applicant has provided amendments believed to overcome the rejection.

III. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,669,040 to Hisatake (“Hisatake”)

The Examiner has rejected claims 1-7, 15-22, 30-32 and 37-40 under 35 U.S.C. § 102(b) as allegedly being anticipated by Hisatake.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites, “a parameter setting unit which sets a parameter representing contents of a predetermined image processing to be executed on image data to modify at least one of a hue component, a luminance value, a lightness value and a color saturation value of the image data.”

Hisatake is directed to a printing machine and the sequence control of print jobs on the printing machine. The print job control enables a change of print sequence, the number of copies to be printed, etc. Parameters are generated to indicate printing information such as magnification and size. Such parameters are saved with correlation information and the original image data and additional information can be retrieved with the correlation information.

Applicant submits, however, that parameters related to information such as number of copies and magnification fail to relate to the claimed parameters which represent contents of predetermined image processing to modify at least one of a hue component, a luminance value, a lightness value and a color saturation value of the image data (i.e., photo retouching). Hisatake fails to teach or suggest any parameters related to photo retouching. Applicant submits that the claimed invention provides a convenient way to keep the original image data and to provide modified image data by saving parameters for photo retouching (i.e., hue, luminance value, lightness value and color saturation) separately from the original image data.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference. If the rejection is to be maintained, Applicant respectfully requests the Examiner

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/811,881

to indicate where the claimed parameters of hue, luminance value, lightness value or color saturation are taught in Hisatake.

B. Claims 2, 3, 16, 17, 18, 30, 31 and 32

Since claims 2, 3, 16, 17, 18, 30, 31 and 32 contain features that are analogous to the features recited in claim 1, Applicant submits that such claims are patentable for at least analogous reasons as claim 1.

C. Claims 4-7, 19-22 and 37-40

Applicant submits that claims 4-7, 19-22 and 37-40 are patentable at least by virtue of their dependency.

D. Claim 15

Since claim 15 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot.

IV. Rejections under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,377,359 to Higashio (“Higashio”)

The Examiner has rejected claims 1-6, 8, 13-21, 23, 28-32, 35 and 36 under 35 U.S.C. § 102(e) as allegedly being anticipated by Higashio.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites, “a parameter setting unit which sets a parameter representing contents of a

predetermined image processing to be executed on image data to modify at least one of a hue component, a luminance value, a lightness value and a color saturation value of the image data.”

Higashio is directed to a technique of printing image data at a desirable size regardless of the actual size (i.e., magnification). In particular, image data is able to be output in a size equal to the size in a data reading stage independently of the resolutions of an image input device and an image output device (Abstract). Applicant submits that such “magnification” parameters fail to relate to the claimed parameters which represent contents of predetermined image processing to modify at least one of a hue component, a luminance value, a lightness value and a color saturation value of the image data (i.e., photo retouching). As set forth above, the claimed invention provides a convenient way to keep the original image data and to provide modified image data by saving parameters for photo retouching (i.e., hue, luminance value, lightness value and color saturation) separately from the original image data. Such features are not taught in the reference.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference. If the rejection is to be maintained, Applicant respectfully requests the Examiner to indicate where the claimed parameters of hue, luminance value, lightness value or color saturation are taught in Higashio.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/811,881

B. Claims 2, 3, 16-18, 30, 31 and 32

Since claims 2, 3, 16-18, 30, 31 and 32 contain features that are analogous to the features recited in claim 1, Applicant submits that such claims are patentable for at least analogous reasons as claim 1.

C. Claims 4-6, 8, 13, 14, 19-21, 23, 28, 29, 35 and 36

Applicant submits that claims 4-6, 8, 13, 14, 19-21, 23, 28, 29, 35 and 36 are patentable at least by virtue of their dependency.

D. Claim 15

Since claim 15 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot.

V. Newly Added Claims

By this amendment, Applicant has added new claims 41 and 42 to provide more varied protection for the present invention.

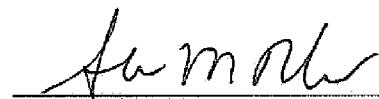
VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/811,881

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Respectfully submitted,



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